IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 24102 of 2004

Between:

Bijjam Hazarath Reddy, S/o. Subbarami Reddy,
R/o. buchireddypalem village & Mandal, Nellore District.

... PETITIONER

AND

1 The Revenue Divisional Officer, Kavali,
2 the Mandal Revenue Officer, Sangam Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order, writ or direction more particularly a writ of Mandamus under Article 226 of Constitution of India, declaring the action of 1st respondent in not considering the stay petition filed along with the statutory appeal dt. 13.12.2004 filed against the orders of 2nd respondent in his proceedings Rc.NO.179/2004 dt. 10.08.2004 in respect of an extent of 57 cents in Survey No. 415/7; 1 cent in Survey No. 417-1; Acs. 2.51 cents in Survey No. 417/3 and Acs. 1.07 cents in Survey No. 414/4 situated in Tarunavaya Village Sangam, Mandal, Nellore District pending the statutory appeal and further action of the 2nd respondent in seeking to dispossess the petitioner from the above said extent of land as illegal, arbitrary, unjust and consequently suspend the orders of the 2nd respondent in his proceedings Rc.No.179/2004 dt. 10.08.2004 pending the appeal before the 1st respondent.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents and with their consent, the writ petition is being disposed of finally at the admission stage.

2. In this writ petition, petitioner is challenging the order dated 10-08-2004 passed by the second respondent in R.C.No.179/2004 in respect of Ac.0.57 cents of dry land comprised in Sy.No.415/7, Ac.0.01 cents of dry land in Sy.No.417/1, Ac.2.51 cents of dry land in S.No.417/3 and Ac.1.07 cents of dry land in Sy.No.417/4 of Tarunavaya Village, Sangam Mandal, Nellore District. The impugned orders were passed by the second respondent in exercise of the powers under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). It is submitted that against the orders passed by the second respondent, petitioner already preferred an appeal before the first respondent – Revenue Divisional Officer, under Section 4 a (1) of the Act, which is pending on the file of the first respondent and the respondents are trying to evict the petitioner without passing any orders on the appeal.

3. In the circumstances, the writ petition is disposed of directing the first respondent – Revenue Divisional Officer to consider the appeal and the stay application said to have been filed by the petitioner and pass appropriate orders either on the stay application or the appeal, in accordance with law. Till passing of such orders, status quo obtaining as on today shall be maintained.

The writ petition is accordingly disposed of at the admission stage.

N.V. RAMANA, J

December 23, 2004

MRR / TVK

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1 The Revenue Divisional Officer, Kavali
2 The Mandal Revenue Officer, Sangam Mandal, Nellore District

3 Two C.C. s to the G.P. for Revenue, High Court Buildings,

Hyderabad (OUT)

4 Two C.D. Copies.

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